

AMENDED IN SENATE MAY 3, 2000

SENATE BILL

No. 2082

Introduced by Senator O'Connell

February 25, 2000

An act to add Section 1834.8 to the Civil Code, relating to animal testing.

LEGISLATIVE COUNSEL'S DIGEST

SB 2082, as amended, O'Connell. Animals: safety testing.

Under existing law, any pound or animal regulation department of a public or private agency where animals are turned over to a research facility is required to post a clearly visible notice that animals turned in to the agency may be used for research purposes.

This bill would prohibit manufacturers and contract testing facilities from using traditional animal test methods in this state for which an appropriate alternative method has been scientifically validated and recommended by the United States federal Inter-Agency Coordinating Committee for the Validation of Alternative Methods or other specified agencies. The bill would ~~impose~~ *make* a civil ~~penalty of \$5,000 for each violation of this provision, which would be assessed and recovered as specified~~ *action for injunctive relief the exclusive remedy for enforcing these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1834.8 is added to the Civil Code, to read:

1834.8. (a) Manufacturers and contract testing facilities shall not use traditional animal test methods within this state for which an appropriate alternative test method has been scientifically validated and recommended by the Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) and adopted by the *relevant* federal agency or agencies *or program within an agency* responsible for regulating the specific product or activity for which the test is being conducted.

(b) Nothing in this section shall prohibit the use of any alternative nonanimal test method for the testing of any product, product formulation, chemical, or ingredient that is not recommended by ICCVAM.

(c) Nothing in this section shall ~~preempt state law or regulation~~ *prohibit the use of animal tests to comply with requirements of state agencies. Nothing in this section shall prohibit the use of animal tests to comply with requirements of federal agencies when the federal agency has approved an alternative nonanimal test pursuant to subdivision (a) and the federal agency staff concludes that the alternative nonanimal test does not assure the health or safety of consumers.*

(d) Notwithstanding any other provision of law, ~~any person, manufacturer, or contract testing facility that violates subdivision (a) shall be enjoined from further violation and be liable for a civil penalty of five thousand dollars (\$5,000) for each violation which shall be assessed and recovered in a civil action brought by the Attorney General, any district attorney, or any entity lawfully organized under the federal Internal Revenue Service Code as a 501(c)3 or 501(c)4 organization for the purpose of protecting or providing for the welfare of animals. The prevailing party in any civil action brought under this section shall be awarded attorney's fees and costs as determined by the court.~~ *the exclusive remedy for*

1 *enforcing this section shall be a civil action for injunctive*
2 *relief brought by the Attorney General, the district*
3 *attorney of the county in which the violation is alleged to*
4 *have occurred, or a city attorney of a city or a city and*
5 *county having a population in excess of 250,000 and in*
6 *which the violation is alleged to have occurred. If the*
7 *court determines that the Attorney General or district*
8 *attorney is the prevailing party in the enforcement*
9 *action, the official may also recover costs, attorney fees,*
10 *and a civil penalty not to exceed five thousand dollars*
11 *(\$5,000) in that action.*

12 (e) This section shall not apply to any animal test
13 performed for the purpose of medical research.

14 (f) For the purposes of this section, these terms have
15 the following meanings:

16 (1) “Animal” means vertebrate nonhuman animal.

17 (2) “Manufacturer” means any ~~individual,~~
18 partnership, corporation, association, or other legal
19 relationship that produces chemicals, ingredients,
20 product formulations, or products in this state.

21 (3) “Contract testing facility” means any ~~individual,~~
22 partnership, corporation, association, or other legal
23 relationship that tests chemicals, ingredients, product
24 formulations, or products in this state.

25 (4) “ICCVAM” means the Inter-Agency Coordinating
26 Committee for the Validation of Alternative Methods, a
27 federal committee comprised of representatives from 14
28 federal regulatory or research agencies, including the
29 Food and Drug Administration, Environmental
30 Protection Agency, and Consumer Products Safety
31 Commission, that reviews the validity of alternative test
32 methods. The committee is the federal mechanism for
33 recommending appropriate, valid test methods to
34 relevant federal agencies.

35 (5) “Medical research” means research related to the
36 causes, diagnosis, treatment, control, ~~and~~ or prevention
37 of physical ~~and~~ or mental diseases and impairments of
38 humans and animals *or related to the development of*
39 *biomedical products, devices, or drugs as defined in*
40 *Section 321(g)(1) of Title 21 the United States Code.*

1 (6) “Traditional animal test method” means a process
2 or procedure using animals to obtain information on the
3 characteristics of a chemical or agent. Toxicological test
4 methods generate information regarding the ability of a
5 chemical or agent to produce a specific biological effect
6 under specified conditions.

7 (7) “Validated alternative test method” means a test
8 method that does not use animals, or in some cases
9 reduces or refines the current use of animals, for which
10 the reliability and relevance for a specific purpose has
11 been established in validation studies as specified in the
12 ICCVAM report provided to the relevant federal
13 agencies.

14 (8) “Person” means an individual with managerial
15 control, partnership, corporation, association, or other
16 legal relationship.

17 (9) “Adopted by a federal agency” means a ~~formal~~
18 *final* action taken by an agency, published in the Federal
19 Register, for public notice.

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